

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



JAMES M. WEST,

Plaintiff,

v.

ORDER
05-CV-447A

GLENN GOORD, Commissioner of the New York
State Department of Correctional Services, et al.,

Defendants.

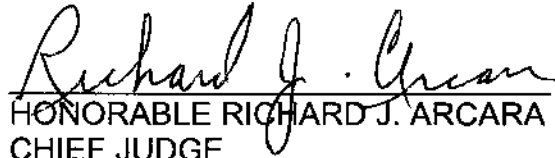
The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). On September 6, 2007, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motion to dismiss and/or for a more definite statement be denied to the extent that it seeks dismissal with prejudice, but granted to the extent that it seeks a more definite statement under Rules 8 and 10 of the Federal Rules of Civil Procedure.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to dismiss and/or for a more definite statement is denied to the extent that it seeks dismissal with prejudice, but granted to the extent that it seeks a more definite statement under Rules 8 and 10 of the Federal Rules of Civil Procedure.

The case is referred back to Magistrate Judge Scott for further proceedings.

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: September 26, 2007